IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 535 OF 2007

Smt. Usha Trivedi.. .... Petitioner.
Versus
The Principal, Smt. P.N.Doshi
Women's College,& Ors. .... Respondents.

Mr. Mihir Desai for the Petitioner.

Mr. Neel Helekar for Respondent Nos.1 & 2.

Mr. B. V. Phadnis for Respondent No.3.

CORAM : V. C. DAGA, J.

DATED : 12TH MARCH, 2007.

P.C.:

Heard learned Counsel appearing for the rival parties.

2. In the petition two reliefs are claimed; one against the order of the Mumbai University and College Tribunal, and secondly, direction is sought against respondent no.3 to decide the application dated 4th April, 2006 on its own merits.

3. So far as the challenge to the impugned order of the College Tribunal dated 8th September, 2006 passed in Appeal No.12 is concerned, the said order is a

reasoned order passed on the material available on record. The view taken by the College Tribunal is a reasonable and plausible view and by no stretch of imagination the said view can be said to be perverse. No material is brought on record or placed before me to demonstrate perversity in the order. This Court, while sitting in writ jurisdiction, is not expected to reappreciate evidence, facts and circumstances of the case already appreciated by the Tribunal unless the appreciation done by the Tribunal is found to be perverse. That is not the case here. In this view of the matter, the challenge to the order of the Tribunal dated 8th September, 2006 passed in Appeal No. 12 of 2006 and subsequent order passed in Review Application No.1 of 2006 must fail.

4. So far as the direction sought against respondent no.3 to decide the representation of the petitioner dated 4th April, 2006 on merits is concerned, the same cannot be granted by this Court looking to the jurisdiction of the Single Judge of this Court; the relief claimed would lie within the jurisdiction of the Division Bench. In this view of the matter, at this stage, learned Counsel appearing for the petitioner having realised this difficulty, made a statement that he would not press prayer clause (c) of

the petition and prayed that liberty be given to the petitioner to move before the appropriate forum. In that view of the matter, prayer clause (c) of the writ petition is rejected as not pressed with liberty to the petitioner to move before the appropriate forum.

5. This writ petition stands disposed of, accordingly.

Sd/-

(V. C. DAGA, J.)